

Grand Jury Special Presentment regarding ARC Equipment use in Lincoln County

The May Term, 2017, of the Grand Jury of Richmond County, Georgia convened on June 27, 2017. We interviewed the parties involved in the use of an Augusta-Richmond County Excavator in Lincoln County that was discovered on or about March 16, 2017. The following are the facts as we, The Grand Jury, found them to be:

On or after March 8, 2017, Landfill employees Robert Wilson and McKinley Williams traveled to Lincoln County for the purpose of assisting Troy Meeks with work that needed to be done on his property. Sometime between March 8-March 17, a "Mini-Excavator" was taken to Lincoln County by these employees, on a trailer that is privately owned, to aide them in their task. It should be noted that while both employees were being paid by Augusta-Richmond County, it would appear that McKinley Williams, Manager of the Landfill, was following a directive from Director Mark Johnson to go help Troy Meeks, a contractor who did work at the Landfill in 2009-2010, but is no longer doing work at the landfill.

There are two Mini-Excavators that are housed out at the Richmond County Sheriff's Office Training Range. The machines are basically identical in nature and the way they are commonly distinguished is via the bucket. At the time of the use, the bucket belonging to Dep. Eskew had been placed on the county-owned excavator as the bucket from the personally owned excavator was better equipped to do the last county job that the excavator was employed to do. Dep. Eskew testified that he regularly loaned out his privately owned Mini-Ex to other county departments and wouldn't question individuals when they called to borrow this piece of equipment. Director Johnson advised McKinley Williams to use the Mini-Ex with the ditching bucket for the job in Lincolnton, believing that the Mini-Ex with the ditching bucket was privately owned.

It would further appear that McKinley Williams has supervisory authority over Robert Wilson and Mr. Wilson was merely going along with the project at McKinley Williams directive. Director Johnson had no knowledge of Mr. Wilson going with Mr. Williams. It would appear that Director Johnson was trying to get Mr. Williams away from the landfill so that Mr. Wagner could transition into doing the job of Landfill Manager in order to properly evaluate Mr. Wagner's performance. This was necessary as Mr. Williams was set to retire and Mr. Wagner was presumptively going to be taking Mr. Williams place if deemed fit to do so. It should further be noted that Mr. Williams was told by his direct supervisor, Director Johnson, that he was to keep his phone with him at all times and essentially be working "remotely," which Mr. Williams did. That being said, we do not find any ability to prosecute based on theft of wages as Mr. Williams was doing as instructed, as was Mr. Wilson. It should also be noted that prior to the trip, Mr. Williams submitted a "Risk Management" form to travel outside of the county, furthering our conclusion that Mr. Williams was not intending to defraud the county. Director Johnson also testified that Mr. Williams worked in excess of 2 weeks overtime, without pay, in the first quarter of 2017 due to his status as a salaried employee.

It is clear that a relationship between the Landfill and Richmond County Sheriff's Office, does exist and that both entities frequently "borrow" each other's equipment to perform county jobs. Because of this relationship, when McKinley Williams called Dep. Eskew to borrow the Mini-Excavator, Dep. Eskew did not question the use of the Mini-Ex. Regardless, there was no intent to deprive the owner of the excavator from the use of the excavator permanently as evidenced by Mr. Williams belief that he was just helping Troy Meeks out. Mr. Williams, nor anyone affiliated with this incident, ever provided any evidence suggesting that Mr. Williams stole or wanted to steal the excavator. Further, the assertion by Director Johnson that he believed he

